

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

COMMISSIONER OF THE DEPARTMENT OF
LICENSING AND CONSUMER AFFAIRS; and
GOVERNMENT OF THE UNITED STATES
VIRGIN ISLANDS,

Plaintiffs,

v.

PEPSICO, INC.;
PEPSICO CARIBBEAN, INC.;
THE COCA-COLA COMPANY; and
CC ONE VIRGIN ISLANDS, LLC,

Defendants.

Case No. 1:25-cv-00024

**DEFENDANTS' MEMORANDUM IN SUPPORT OF THEIR UNOPPOSED
RENEWED MOTION TO EXTEND DEADLINE TO RESPOND TO THE COMPLAINT**

PepsiCo, Inc., PepsiCo Caribbean, Inc., The Coca-Cola Company, and CC One Virgin Islands, LLC (collectively, “Defendants”) jointly and respectfully submit this Memorandum in Support of Their Unopposed Renewed Motion to Extend the Deadline to Respond to the Complaint. Defendants respectfully request that the Court extend the time for each Defendant to respond to Plaintiffs’ Complaint to 30 days after the disposition of Plaintiffs’ motion to remand.

Plaintiffs filed their Complaint in the Superior Court of the Virgin Islands on April 11, 2025. *See* D.I. 1-2. PepsiCo, Inc. and PepsiCo Caribbean, Inc.—with the consent of The Coca-Cola Company and CC One Virgin Islands, LLC—timely removed the action to this Court on May

19, 2025. *See* D.I. 1. On May 23, 2025, Defendants¹ moved to extend the deadline to respond to Plaintiffs' Complaint. *See* D.I. 18.

The Court granted in part and denied in part Defendants' motion on May 27, 2025. *See* D.I. 19. In particular, the Court granted the motion "to the extent that Defendants shall have up to and including July 18, 2025 to answer or otherwise respond to Plaintiffs' Complaint" and denied the motion "to the extent that the Court declines to grant Defendants[] an open-ended extension to answer or otherwise respond to Plaintiffs' Complaint should the Plaintiffs file a motion to remand, given that no such motion has yet been filed." *Id.* at 3. The Court specifically contemplated that Defendants may file this Renewed Motion after Plaintiffs filed a motion to remand. *Id.* ("At this point, no such motion to remand has been filed; if one is filed, the Defendants will be permitted to revisit the issue of an extension if they wish.").

On June 18, 2025, Plaintiffs filed a motion to remand this matter to the Superior Court of the Virgin Islands. *See* D.I. 46. Two days later, all Plaintiffs and Defendants filed a Joint Notice of Negotiated Extension of Time pursuant to Local Rule 6.1(b)(7), resetting Defendants' deadline to file their response in opposition to Plaintiffs' motion to remand to July 23, 2025, and resetting Plaintiffs' deadline to file their reply to August 13, 2025. D.I. 49. Consequently, and for the reasons stated herein, Defendants respectfully request that the Court extend the time for each Defendant to respond to Plaintiffs' Complaint to 30 days after the disposition of Plaintiffs' motion to remand.

There is good cause for Defendants' timely and renewed requested extension. *See* Fed. R. Civ. P. 6(b)(1) (permitting the Court, "for good cause," to "extend the time" for an act that "must be done within a specified time"). Granting the requested extension would allow the parties and

¹ At the time, CC One Virgin Islands, LLC had not yet appeared in this matter but had consented to the remaining Defendants moving for an extension on behalf of all Defendants, including CC One Virgin Islands, LLC. *See* D.I. 18, at 1 n.1.

the Court to focus on Plaintiffs' motion to remand before turning to the merits of Plaintiffs' Complaint or engaging in further dispositive motion practice, which would conserve party and judicial resources. Indeed, absent the extension requested herein, Defendants' responses to the Complaint will be due July 18, before Defendants' response to Plaintiffs' motion to remand is due on July 23. Additionally, Defendants' responses to the Complaint may differ depending on whether this Court or the Superior Court of the Virgin Islands ultimately presides over this matter because procedural differences exist between the two fora. As one example, the Superior Court of the Virgin Islands permits notice pleading whereas a complaint in this Court must be pleaded plausibly. *Compare* V.I. R. Civ. P. 8(a)(2) (“[T]his is a notice pleading jurisdiction”), *with Robinson v. Island Time Watersports (Caribbean) LLC*, No. 3:23-cv-0053, 2024 WL 1211932, at *2 (D.V.I. Mar. 20, 2024) (a complaint must satisfy the “plausibility standard” (citing *Bell Atl. v. Twombly*, 550 U.S. 544 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009))).

Defendants submit that they have shown good cause for the unopposed requested extension. Accordingly, Defendants respectfully request that the Court grant their Unopposed Renewed Motion to Extend the Deadline to Respond to the Complaint.

Dated: June 25, 2025

/s/ Chad C. Messier

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Respectfully submitted,

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